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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/059,929	01/29/2002	Tuan Bui	5807US BX2009T01027	8386
29200	7590	04/16/2010		
K&L Gates LLP P.O. Box 1135 Chicago, IL 60690-1135			EXAMINER COBANOGLU, DILEK B	
			ART UNIT 3626	PAPER NUMBER
			NOTIFICATION DATE 04/16/2010	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

chicago.patents@klgates.com

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/16/2009 has been entered.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 09/16/2009 was filed after the mailing date of the Request for Continued Examination on 09/16/2009. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-191 are rejected under 35 U.S.C. 102(e) as being unpatentable by White et al. (hereinafter White) (U.S. Patent No. 6,790,198 B1).

A. Claim 1 recites a method for operating a medical device, the method comprising the steps of:

- i. inputting into a first computer a first patient identifier and an operating parameter for the medical device (White; col. 6, line 48 to col. 7, line 57);
- ii. inputting into a second computer, from a first source, a second patient identifier (White; col. 15, lines 3-20);
- iii. inputting into the second computer, from a second source, a medication identifier, the medication identifier including a third patient identifier (White; col. 9, lines 35-43);
- iv. determining if the second patient identifier is equivalent to the third patient identifier and sending the medication identifier to the first computer, if the second patient identifier is equivalent to the third patient identifier (White; col. 6, line 48 to col. 7, line 57); and
- v. determining if the third patient identifier is equivalent to the first patient identifier and sending the operating parameter from the first computer to the medical device, if the third patient identifier is equivalent to the first patient identifier, where the operating parameter does not pass through the second computer (White; col. 4, lines 13-52).

B. Claims 2-191 are rejected for the same reasons given in the Office Action dated 1/30/2008 (paper number 3-13), and incorporated herein.

Conclusion

5. This is a continuation of applicant's earlier Application No. 10059929. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

6. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DILEK B. COBANOGU whose telephone number is (571) 272-8295. The examiner can normally be reached on 8-4:30.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher L. Gilligan can be reached on (571) 272-6770. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or (571) 272-1000.

/D. B. C./
Examiner, Art Unit 3626
3/29/2010

/Gerald J. O'Connor/
Supervisory Patent Examiner
Group Art Unit 3626